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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,392	12/19/2000	Paul Michael Brennan	3650-005US	2571
28470	7590	06/02/2005	EXAMINER	
G. RONALD BELL & ASSOCIATES P O BOX 2450 POSTAL STATION D OTTAWA, ON K1P 5W6 CANADA			STORM, DONALD L	
			ART UNIT	PAPER NUMBER
			2654	
DATE MAILED: 06/02/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/739,392

Applicant(s)

BRENNAN ET AL.

Examiner

Donald L. Storm

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Drawings***

2. The corrected substitute drawing (1 sheet, received February 16, 2005) is present. It is now the Fig. 5 of record. This drawing sheet is substantively acceptable to the Examiner.

#### ***Specification***

3. The specification is objected to using the same rationale as in the prior Office action (mailed November 4, 2004).

#### ***Claim Rejections - 35 USC § 102***

##### **Braman**

4. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Braman et al. [International Publication WO 99/14928] using the same rationale as in the prior Office action (mailed November 4, 2004).

5. Due to the Examiner's understanding of one of the Applicant's arguments, this further explanation of Braman's page 7, lines 7-13 when the user subsequently accesses the system is provided. Braman's page 7, lines 7-13, provides the profile upon subsequent access. Braman describes that dialing information is provided for other services beside voice mail. Either voice mail, or other services, or both are obtained by future calls, at sometime after the current

configuration call. The future call (sometime after the current configuration call) for other services provides the menu selections that were stored from an earlier configuration call.

***Response to Arguments***

6. The prior Office action, mailed November 4, 2004, objects to the specification and rejects claims under 35 USC § 102, citing Braman. The Applicant's arguments in AMENDMENT, filed February 16, 2005, have been fully considered with the following results.

7. With respect to objection to the specification due to the hyperlink, the Applicant's arguments appear to be as follows:

The Applicant's argument appears to be that the presence of the hyperlink meets the exception of (1) being itself part of the Applicant's invention, (2) being necessary for 35 U.S.C. 112(1), and (3) not intended to be active. This argument is not persuasive at least because the disclosure nowhere treats the active link "www.tellme.com" itself as part of the invention.

The Applicant's arguments have been fully considered but they are not persuasive. Accordingly, the objection is maintained.

8. With respect to rejection of claims under 35 USC § 102, citing Braman, the Applicant's arguments appear to be as follows:

a. The Applicant's argument (pages 2-3) appears to be that Braman's cellular handset does not describe the capability for graphically configuring that is described in the specification. The Applicant's argument (page 3) appears to be that Braman does not program directories using a

graphical interface for defining them as described in the specification. The Applicant's argument (page 4) appears to be that Braman does not describe subsequent access by non-speech means that are described in the specification. The Applicant's argument (page 4) appears to be that Braman recitation of information is not the graphical and visual presentation described in the specification. The Applicant's argument (pages 4-6, pages 8-10) appears to be that the cited section of Braman do not describe different voices, external components, land-line devices, other devices, land-line conferencing, other conferencing, other inputs, key inputs, internet connections, particular information stored, graphical access to the database, non-audio presentation, other presentation means, presentation by computer, connection to the Internet, connection to an automobile, noncellular facilities as described in the specification. This argument is not persuasive because the features upon which the Applicant's argument relies are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

b. The Applicant's argument (page 3) appears to be that Claim 1 sets forth accessing must be a manual capability. The Applicant's argument (page 3) appears to be that Braman does not provide customizing and saving by a graphical interface. The Applicant's argument (page 6, pages 8-11) appears to be that the call, DTMF input, and/or prompts, must interface through audio devices other than a cellular handset or from a computer. The Applicant's argument (page 6) appears to be that there are additional capabilities. The Applicant's argument (page 6) appears to be that retrieving the profile can be achieved by other audio devices and nonaudio access. The Applicant's argument (page 7) appears to be that presenting the profile entries can be nonaudio, non-cell, or computer. The Applicant's argument (page 11) appears to be claim 14 requires the entire communications system to be located in an automobile. This argument is not persuasive

because the features upon which the Applicant's argument relies are not recited in the rejected claims.

c. The Applicant's argument (page 3, page 6) appears to be that the description in Braman as cited by the Examiner would not allow a data-base artisan to make and use Braman's data base for storing entries. The Applicant's argument (page 3) appears to be that citations to Braman as given by the Examiner would not allow an artisan in the field of speech interfaces to make and use Braman's speech recognition and dialing system to interface with a user. The Applicant's argument (page 7) appears to be that citations to Braman as given by the Examiner would not allow an artisan in the field of customized interfaces to make and use Braman's speech recognition and dialing system to customize an interface with a user. The Applicant's argument (page 11) appears to be that Braman's description does not allow an artisan in the field of accessing information services to access other information services, dialing information, DTMF menu selections, and security codes for voice mail. This argument is not persuasive. When the reference relied on expressly anticipates or makes obvious all of the elements of the claimed invention, the reference is presumed to enable the system that its details describe. Once such a reference is found, the burden is on the Applicant to provide specific facts showing that there is a preponderance of evidence rebutting the presumption of enablement. Mere allegations or denials in the Applicant's traversal will not meet this burden.

d. The Applicant's argument (page 3) appears to be that adding a new directory entry does not customize an existing directory. This argument is not persuasive because Braman does describe ADDing a new entry to an existing directory. Programming the new directory entry (that the Applicant cites on page 5) follows from page 4, lines 15-16, by the ADD keyword, which in turn follows the DIRECTORY keyword that allows adding to the directory, if the caller is using an

existing directory: Braman explicitly describes utilizing the existing directory at page 14, line 15.

Adding a new entry is customization of the directory.

e. The Applicant's argument (page 3) appears to be that when the Examiner cites sections of Braman that describe a speech recognition system of a cellular telephone and describe providing the profile to it, such citations do not show that Braman describes providing said profile to said speech based user interface of said application system. This argument is not persuasive because the many teachings throughout Braman teach that interaction with the user occurs through the VAS, and the VAS accepts and recognizes speech.

f. The Applicant's argument (page 3-4) appears to be that the phrase "providing the profile to it for presentation" is not set forth in claim 1. This argument is not persuasive because the claim element described by that phrase appears in the whole invention recited as claim 1.

g. The Applicant's argument (page 4) appears to be that the Examiner has not adequately explained the functioning of Braman's page 7, lines 7-13 when the user subsequently accesses the system. Braman's page 7, lines 7-13, provide the profile upon subsequent access. This argument is not persuasive because Braman describes the claim element. At that citation, Braman describes that dialing information is provided for other services beside voice mail. Either voice mail, or other services, or both are obtained by future calls, sometime after the current configuration call. The future call for other services provides the menu selections that were stored from an earlier configuration call.

h. The Applicant's argument (page 4) appears to be that Braman's terminology does not support the Examiner's contention that Braman's terminology necessarily describes the characteristic claim elements of the claimed invention. This argument is not persuasive because it is the content and functionality of the recited limitations that equates to the content and

functionality of described in the prior art. It is not required that the terminology applied to the prior art elements be identical to claim terminology. For example, the content and functionality of the recited limitation of the profile database is merely a storage area for information specific to a user. That content and functionality equates to Braman's data storage subsystem storing the user's particular recognition data and entries for dialing calls.

i. The Applicant's argument (page 5) appears to be that when Braman reroutes a call while programming a new directory entry, programming the entry uses an existing function, but does not create a new function. The Applicant's argument (pages 6-7, pages 7-10) appears to be that when Braman programs a new directory entry, this does not provide a user-defined function, but merely uses existing functions. This argument is not persuasive because it is Braman's creation of a new directory entry by using the function that combines to provide the new, user-defined function creation. A single prior art reference may anticipate a claim where one of ordinary skill in the art would have understood each and every claim limitation to have been disclosed or inherent in the reference.

j. The Applicant's argument (page 7) appears to be that Braman's creation of a new directory entry does not include a description of the use of the REVIEW feature; therefore Braman's directory is not presented. This argument is not persuasive because it can be Braman's description of using an existing directory entry to show by the REVIEW feature, which is described at page 4, lines 13-21 along with the decision whether or not to create a new directory entry as described elsewhere in Braman.

k. The Applicant's argument (page 7) appears to be that the section of Braman's cited by the Examiner about the speech based user interface does not explicitly describe presenting Braman's directory. This argument is not persuasive because of the many teachings throughout



that all of Braman's interactions with the user are by the user interface with speech interactions capability. A single prior art reference may anticipate a claim where one of ordinary skill in the art would have understood each and every claim limitation to have been disclosed or inherent in the reference.

l. The Applicant's argument (page 8) appears to be that outputting Braman's directory is not display of a status summary. This argument is not persuasive because what the term "status summary" intimate to artisans is not so narrow as to avoid a listing of the current contents of a storage area, which Braman presents. It is with respect to the claim language that the terminology must be evaluated, and the claims contain no express limitations that would preclude the Examiner's interpretation.

m. The Applicant's argument (page 11) appears to be that Fig. 1 of Braman does not allow an artisan to make and use the communication system of claim 11. This argument is not persuasive because Braman provides sufficient description of the features making up Fig. 1 for one of ordinary skill in the field of communication systems to make and use the explicit description found in claim 11 as indicated in the detailed citations in the prior Office action.

n. The Applicant's argument (page 11) appears to be that Braman's description of other information services, dialing information, DTMF menu selections, and security codes for voice mail is too vague to describe anything to an artisan in the field of information services. The Examiner acknowledges the allegation; however, it is not persuasive as an argument because mere allegations are not sufficient to rebut Braman's choice of how the features of the reference should be described to artisans.

The Applicant's arguments have been fully considered but they are not persuasive. Accordingly, the rejections are maintained.

**Conclusion**

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

10. Any response to this action should be mailed to:

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**or faxed to:**

(703) 872-9306, (for formal communications; please mark "EXPEDITED PROCEDURE")

**Or:**

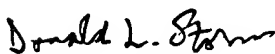
(703) 872-9306, (for informal or draft communications, and please label "PROPOSED" or "DRAFT")

Patent Correspondence delivered by hand or delivery services, other than the USPS, should be addressed as follows and brought to U.S. Patent and Trademark Office, Customer

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L. Storm, of Art Unit 2654, whose telephone number is (571) 272-7614. The examiner can normally be reached on weekdays between 8:00 AM and 4:30 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: [ebc@uspto.gov](mailto:ebc@uspto.gov). For general information about the PAIR system, see <http://pair-direct.uspto.gov>.

  
Donald L. Storm  
May 24, 2005

  
RICHEMOND DORVIL  
SUPERVISORY PATENT EXAMINER